

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS B. McADAMS, DANIEL S.
SINGER, TRANSPORT INVESTMENTS,
INC. and JOHN A. VUONO, as trustee of
the Irrevocable Trust Agreement of Douglas
B. McAdams dated May 25, 1995,

Plaintiffs,

Civil Action No. 07-00646

JURY TRIAL DEMANDED

Judge Joy Flowers Conti

Filed Electronically

v.

SECURITY LIFE OF DENVER
INSURANCE COMPANY, a Colorado
corporation; JEFFERSON NATIONAL
LIFE INSURANCE COMPANY f/k/a
CONSECO VARIABLE INSURANCE
COMPANY and GREAT AMERICAN
RESERVE INSURANCE COMPANY, a
Texas corporation; NICHOLAS VUKICH,
individually and d/b/a MORE EXCELLENT
WAY, INC., BENEFIT MANAGEMENT
CONSULTANTS, INC., BENEFIT
MANAGEMENT CONSULTANTS-MORE
EXCELLENT WAY, MORE EXCELLENT
WAY-BENEFIT MANAGEMENT
CONSULTANTS and NLP FINANCIAL
ENTERPRISES, INC.; MORE
EXCELLENT WAY, INC., an Ohio
corporation; BENEFIT MANAGEMENT
CONSULTANTS, INC., an Ohio
corporation; and NLP FINANCIAL
ENTERPRISES, INC., an Ohio corporation,

Defendants.

STIPULATION OF DISMISSAL

Pursuant to Rules 41(a) and 41(c) of the Federal Rules of Civil Procedure, the parties set forth below, through the signatures of their counsel on this Stipulation of Dismissal, hereby stipulate to the following:

1. Plaintiffs commenced this action against the named Defendants, including Jefferson National Life Insurance Company f/k/a Conseco Variable Insurance Company and Great American Reserve Insurance Company (“Jefferson National”);

2. Jefferson National, in addition to filing a response to Plaintiffs’ claims, filed a Cross-Claim for indemnity and contribution against Defendants Nicholas Vukich, Benefit Management Consultants, Inc., More Excellent Way, Inc., and NLP Financial Enterprises, Inc. (the “Vukich Defendants”);

3. On or about March 10, 2009, as a result of a mediation, Plaintiffs and Jefferson National reached a full and final settlement with respect to their claims and defenses raised in the above-captioned matter (the “Settlement”);

4. As of the date of this Stipulation, the Vukich Defendants have neither entered an appearance in this action nor filed any response to Jefferson National’s Cross-Claim;

5. Therefore, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), and as a result of the Settlement, Plaintiffs hereby voluntarily dismiss their claims against Jefferson National with prejudice in accordance with the terms of a Confidential Release, Settlement Agreement and Covenant Not to Sue;

6. Additionally, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i) and Fed.R.Civ.P. 41(c)(1), Jefferson National hereby voluntarily dismisses the Cross-Claim filed against the Vukich Defendants without prejudice.

WHEREFORE, the undersigned parties, by and through their attorneys, hereby Stipulate that Jefferson National Life Insurance Company f/k/a Conseco Variable Insurance Company and Great American Reserve Insurance Company is dismissed from this action in accordance with Paragraphs 5 and 6 above.

VUONO & GRAY, LLC

PICADIO SNEATH MILLER & NORTON,
P.C.

By: s/ Dennis J. Kusturiss

Dennis J. Kusturiss, Esquire
Pa. I.D. No. 28003
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Counsel for Plaintiffs

By: s/ Henry M. Sneath

Henry M. Sneath, Esquire
Pa. I.D. No. 40559
4710 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219
(412) 288-4013
*Counsel for Jefferson National Life
Insurance Company f/k/a Conseco
Variable Insurance Company and Great
American Reserve Insurance Company*

OBERMAYER REBMANN MAXWELL &
HIPPEL, LLP

By: s/ Jay Evans

Mathieu J. Shapiro, Esquire
Pa. I.D. No. 76266
Jay Evans, Esquire
Pa. I.D. No. 82149
One Mellon Center, Suite 4250
500 Grant Street
Pittsburgh, PA 15219
(412) 566-1500
*Counsel for Security Life Insurance
Company of Denver*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STIPULATION OF DISMISSAL was electronically filed and is available for viewing and downloading from the ECF system and was served on all parties or their counsel of record this 13th day of May 2009, via First-Class United States Mail, postage prepaid, or electronic service, addressed as follows:

Dennis J. Kusturiss, Esquire
VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219
(*Counsel for Plaintiffs*)

Security Life of Denver Insurance Company
1290 Broadway
Denver, CO 80203-5699

Nicholas Vukich
816 Hampton Ridge Drive
Akron, OH 44313

More Excellent Way, Inc.
2108 Braewick Circle, Suite 202
Fairlawn, OH 44334

Benefit Management Consultants, Inc.
2108 Braewick Circle, Suite 202
Fairlawn, OH 44334

NLP Financial Enterprises, Inc.
2108 Braewick Circle, Suite 202
Fairlawn, OH 44334

PICADIO SNEATH MILLER & NORTON, P.C.

s/ Henry M. Sneath
Henry M. Sneath